

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

E.I. DU PONT DE NEMOURS AND
COMPANY,

Plaintiff,

v.

MECHANICAL INTEGRITY, INC.

Defendant.

C.A. No. 07-346 (SLR)

**NDT EQUIPMENT SERVICES LTD.'S AND
MIKE WALKER'S MOTION TO DISMISS**

NDT Equipment Services Ltd. ("NDT") and Mike Walker ("Walker") hereby move for an Order dismissing the Third Party Complaint brought against them by Mechanical Integrity, Inc.

The grounds for this motion are set forth in NDT's and Walker's Opening Brief and Declarations, submitted herewith.

Dated: February 1, 2008

FISH & RICHARDSON P.C.

By: /s/ William J. Marsden, Jr.

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*Attorneys for NDT Equipment Services Ltd. and
Mike Walker*

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the defendant/third-party plaintiff, and that no agreement was reached.

/s/ William J. Marsden, Jr.
William J. Marsden, Jr. (#2247)

2008-02-01 Motion to Dismiss.doc

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PROPOSED ORDER

Upon consideration of NDT Equipment Services Ltd.'s ("NDT") and Mike Walker's ("Walker") Motion to Dismiss Third-Party Complaint pursuant to Rules 12(b)(2) and (b)(5) of the Federal Rules of Civil Procedure, it is hereby ORDERED that NDT's and Walker's Motion to Dismiss Third-Party Complaint is GRANTED and that the Third-Party Complaint is DISMISSED with Prejudice on this ___ day of _____, 2008.

The Honorable Sue L. Robinson